

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 2380 of 2007(G)

PETITIONER:

THANKACHAN P.T.,
PEZHUMMOOTIL, PALACKATHAKIDI P.O.,
KUNNAMTHANAM, THIRUVALLA, PATHANAMHITTA,
NOW WORKING AS CASHIER, KERALA STATE ELECTRICITY
BOARD, ELECTRICAL SECTION, UDMA, KASARAGOD,
(UNDER TRANSFER TO PATHANAMTHITTA CIRCLE).

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDUTHY BHAVAN, THIRUVANANTHAPURAM.
2. EXECUTIVE ENGINEER, ELECTRICAL
SUB DIVISION, KASARAGOD.
3. CHIEF ENGINEER (HRM),
VYDUTHY BHAVAN, THIRUVANANTHAPURAM.

BY SC SHRI. K.S.ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/1/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 2380 OF 2007

Dated this the 19th January, 2007.

JUDGMENT

The petitioner is the beneficiary of Ext.P1 order of transfer passed by the Chief Engineer (third respondent) on 30.6.2006. As per Ext.P1 he is due to be relieved from Electrical Section Uduma to report for duty in the Electrical Circle, Pathanamthitta. Despite the lapse of six months Ext.P1 has not been implemented in the case of the petitioner. Feeling aggrieved, he has approached this Court.

2. I have heard the Legal Liaison Officer for the respondents. It is stated that the petitioner could not be relieved pursuant to Ext.P1 for want of substitute.

3. There is no case for the respondents that Ext.P1 has been modified or cancelled. Even assuming that the reason for not relieving the petitioner from Electrical Section, Uduma is for want of substitute, that cannot be a valid excuse to delay the implementation for a period of six months from the date of Ext.P1. The respondents have got a duty to implement Ext.P1 within a reasonable time.

4. Therefore, the writ petition is allowed directing the respondents to relieve the petitioner from Electrical Section, Uduma within two weeks from the date of production

of a copy of this judgment so that the petitioner will be able to report for duty in the Electrical Circle, Pathanamthitta as per rules. The petitioner shall produce a copy of the judgment before the second respondent for compliance.

K.K.DENESAN
Judge